

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF Maryland
Baltimore Division**

IN RE:

DENNIS SHERBERT

Debtor

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Case No.: 09-24264-DK

Chapter 13

TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN

Gerard R. Vetter, Chapter 13 Trustee (the "Trustee"), in the above-captioned case, pursuant to 11 U.S.C. § 1329 and Bankruptcy Rule 3015(g), requests the Court to modify the Chapter 13 Plan that has been confirmed in this case. In support of his request, the Trustee respectfully represents the following:

1. The Debtor commenced this case under Chapter 13 on August 3, 2009. The Order confirming the Plan submits to the Trustee for the execution of the Plan the Debtor's future earnings in the monthly amount of \$1,115.00 for 3 months, then \$481.00 for 57 for a total gross funding of \$30,762.00.

2. BAC Home Loans Serv. filed a proof of claim on February 16, 2010 asserting an arrears claim of \$26,086.04 (the "Claim"). The amount of the Claim is greater than anticipated and as a result the Plan is underfunded.

3. In order to complete the Plan, the base balance needs to be increased. The Plan should be modified to increase the monthly payment from \$481.00 to \$610.00 for the final 48 months of the 60-month Plan. The total gross funding should be increased from \$30,762.00 to \$33,622.00.

4. In addition, Sections 2.e.ii. and 2.e.iii should be modified to reflect the following:

- ii. Pre-petition arrears on the following claims will be paid through equal monthly amounts under the plan while the Debtor maintains post-petition payments directly (designate the amount of anticipated arrears, and the amount of the monthly payment for arrears to be made under the plan):

<u>Claimant</u>	<u>Arrears</u>	<u>Monthly Payment</u>	<u>No. of Mos.</u>
BAC Home Loans	\$26,086.04	\$543.91	13-60
Cloverfields	\$240.00	\$5.09	13-60

- iii. The following secured claims will be paid in full, as allowed, at the designated interest rates through equal monthly amounts under the plan:

<u>Claimant</u>	<u>Amount</u>	<u>% Rate</u>	<u>Monthly Payment</u>	<u>No. of Mos.:</u>
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n/a

5. The Trustee requests that the Chapter 13 Plan Base be modified from \$30,762.00 to \$33,622.00.

WHEREFORE, the Trustee prays that the Court modify the Plan as set forth above.

June 24, 2010
Date

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PLEASE TAKE NOTICE that parties in interest have the right to object to the requested modification within twenty (20) days of the date of service of this motion.

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2010, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the pleading above referenced to be sent, by First Class U.S. Mail, postage prepaid to:

Dennis Sherbert
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Stevensville, Md 21666

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Counsel for Debtor

/s/ Gerard R. Vetter
Gerard R. Vetter

